

CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-00831-BJR**

AARON v. U.S. DEPARTMENT OF JUSTICE
Assigned to: Judge Barbara Jacobs Rothstein
Cause: 05:552 Freedom of Information Act

Date Filed: 05/06/2009
Date Terminated: 05/18/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JOHN AARON

represented by **Scott Allan Hodes**
LAW OFFICE OF SCOTT HODES
P.O. Box 42002
Washington, DC 20015
(301) 404-0502
Fax: (413) 641-2833
Email: infoprivacylaw@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Fred Elmore Haynes**
U.S. ATTORNEY'S OFFICE
555 4th Street, NW
Room E - 4110
Washington, DC 20530
(202) 514-7201
Fax: (202) 514-8780
Email: fred.haynes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Karen M. Finnegan
U. S. DEPARTMENT OF JUSTICE
600 E Street, NW
Suite 7300
Washington, DC 20530
(202) 514-3228
Fax: (202) 514-1009
Email: karen.finnegan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rhonda C. Fields
UNITED STATES ATTORNEY'S
OFFICE
555 Fourth Street, NW
10th Floor
Washington, DC 20530
(202) 514-6970
Fax: (202) 514-8780
Email: rhonda.fields@usdoj.gov
TERMINATED: 08/26/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/06/2009	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 350, receipt number 4616020411) filed by JOHN AARON. (Attachments: # <u>1</u> Civil Cover Sheet)(tr) (Entered: 05/06/2009)
05/06/2009		SUMMONS Issued(3) as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (tr) (Entered: 05/06/2009)
05/27/2009	<u>2</u>	SUMMONS Returned Executed by JOHN AARON. U.S. DEPARTMENT OF JUSTICE served on 5/15/2009, answer due 6/15/2009. (Hodes, Scott) (Entered: 05/27/2009)
05/27/2009	<u>3</u>	ENTERED IN ERROR.....SUMMONS Returned Executed by JOHN AARON. (Hodes, Scott) Modified on 5/28/2009 (tr,). (Entered: 05/27/2009)
05/27/2009	<u>4</u>	ENTERED IN ERROR.....SUMMONS Returned Executed by JOHN AARON. (Hodes, Scott) Modified on 5/28/2009 (tr,). (Entered: 05/27/2009)
05/27/2009	<u>5</u>	SUMMONS Returned Executed as to U.S. Attorney served on 5/15/2009, answer due 6/15/2009 by JOHN AARON. (tr) (Entered: 05/28/2009)
05/27/2009	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 5/26/2009. (tr) (Entered: 05/28/2009)
06/16/2009	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE. Related document: <u>1</u> Complaint filed by JOHN AARON.(Fields, Rhonda) (Entered: 06/16/2009)
06/18/2009	<u>8</u>	ORDER requiring parties to submit joint case management report. Signed by Judge Henry H. Kennedy, Jr., on June 18, 2009. (lchhk2.) (Entered: 06/18/2009)
06/18/2009		Set Deadlines: Joint case management report due by 7/8/2009. (tj) (Entered: 06/18/2009)
07/02/2009	<u>9</u>	STATUS REPORT <i>With Joint Case Management Report</i> by JOHN AARON. (Hodes, Scott) (Entered: 07/02/2009)
07/06/2009		MINUTE ORDER. This court adopts and the parties shall be bound by the briefing schedule they propose and that is set forth in their <u>9</u> Joint Case Management Report. SO ORDERED. Signed by Judge Henry H. Kennedy, Jr., on July 6, 2009. (lchhk2.) (Entered: 07/06/2009)
08/26/2009	<u>10</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF JUSTICE. Attorney Rhonda C. Fields terminated. (Fields, Rhonda) (Entered: 08/26/2009)
08/27/2009	<u>11</u>	NOTICE of Appearance by Karen M. Finnegan on behalf of U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Certificate of Service)(Finnegan, Karen) (Entered: 08/27/2009)
09/04/2009	<u>12</u>	MOTION for Extension of Time to <i>File Dispositive Motion with Proposed Order, Cert. of Service</i> by U.S. DEPARTMENT OF JUSTICE (Finnegan, Karen) (Entered: 09/04/2009)
09/04/2009	<u>13</u>	Memorandum in opposition to re <u>12</u> MOTION for Extension of Time to <i>File Dispositive Motion with Proposed Order, Cert. of Service</i> filed by JOHN AARON. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Hodes, Scott) (Entered: 09/04/2009)
09/11/2009	<u>14</u>	ORDER denying <u>12</u> Defendant's First Motion for Extension of Time. Signed by Judge Henry H. Kennedy, Jr. on September 11, 2009. (NP) (Entered: 09/11/2009)
09/11/2009	<u>15</u>	Unopposed MOTION for Extension of Time to <i>File</i> by U.S. DEPARTMENT OF JUSTICE (Finnegan, Karen) (Entered: 09/11/2009)
09/12/2009		MINUTE ORDER granting <u>15</u> Motion for Extension of Time (Kennedy, Henry) (Entered: 09/12/2009)

09/14/2009	<u>16</u>	NOTICE <i>Defendant's Document Inventory</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Certificate of Service)(Finnegan, Karen) (Entered: 09/14/2009)
09/15/2009	<u>17</u>	MOTION to Compel <i>Defendant's Compliance with Court's Order of September 11, 2009</i> by JOHN AARON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Hodes, Scott) (Entered: 09/15/2009)
09/16/2009	<u>18</u>	ERRATA by JOHN AARON <u>17</u> MOTION to Compel <i>Defendant's Compliance with Court's Order of September 11, 2009</i> filed by JOHN AARON. (Hodes, Scott) (Entered: 09/16/2009)
09/17/2009	<u>19</u>	Memorandum in opposition to re <u>17</u> MOTION to Compel <i>Defendant's Compliance with Court's Order of September 11, 2009 and Proposed Order</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit Slip opinion, # <u>2</u> Certificate of Service)(Finnegan, Karen) (Entered: 09/17/2009)
09/18/2009	<u>20</u>	ORDER REFERRING MOTION: <u>17</u> Plaintiffs Motion to Compel is hereby referred to United States Magistrate Judge John M. Facciola for his determination. Signed by Judge Henry H. Kennedy, Jr. on September 18, 2009. (NP) (Entered: 09/18/2009)
09/18/2009	<u>21</u>	REPLY to opposition to motion re <u>17</u> MOTION to Compel <i>Defendant's Compliance with Court's Order of September 11, 2009</i> filed by JOHN AARON. (Hodes, Scott) (Entered: 09/18/2009)
09/18/2009	<u>22</u>	CASE REFERRED to Magistrate Judge John M. Facciola for <u>17</u> MOTION to Compel Defendant's Compliance with Court's Order of September 11, 2009 by JOHN AARON. (kb) (Entered: 09/23/2009)
09/23/2009	<u>23</u>	ORDER re referral to Judge Facciola for plaintiff's motion to compel <u>17</u> . Signed by Magistrate Judge John M. Facciola on 9/23/09. (SP,) (Entered: 09/23/2009)
10/21/2009	<u>24</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Declaration, # <u>5</u> Declaration, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Attachment A, # <u>12</u> Certificate of Service, # <u>13</u> Text of Proposed Order)(Finnegan, Karen) (Entered: 10/21/2009)
10/26/2009	<u>25</u>	First MOTION for Extension of Time to <i>file Opposition to Defendant's Motion for Summary Judgment</i> by JOHN AARON (Attachments: # <u>1</u> Text of Proposed Order)(Hodes, Scott) (Entered: 10/26/2009)
10/27/2009		MINUTE ORDER granting <u>25</u> Plaintiff's Motion for an Extension of Time to File His Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Henry H. Kennedy, Jr. on October 27, 2009. (NP) (Entered: 10/27/2009)
11/18/2009	<u>26</u>	Memorandum in opposition to re <u>24</u> MOTION for Summary Judgment filed by JOHN AARON. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Hodes, Scott) (Entered: 11/18/2009)
11/23/2009	<u>27</u>	Unopposed MOTION for Extension of Time to <i>File Reply</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Finnegan, Karen) (Entered: 11/23/2009)
11/24/2009		MINUTE ORDER granting <u>27</u> Defendant's Second Unopposed Motion for Extension of Time. Accordingly, defendant's reply in support of its motion for summary judgment is due on December 4, 2009. Signed by Judge Henry H. Kennedy, Jr. on November 24, 2009. (NP) (Entered: 11/24/2009)
11/27/2009	<u>28</u>	ORDER denying <u>17</u> Motion to Compel. Signed by Magistrate Judge John M. Facciola on 11/27/09. (SP,) (Entered: 11/27/2009)
12/04/2009	<u>29</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>24</u> MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 12/04/2009)
12/07/2009	<u>30</u>	REPLY to opposition to motion re <u>24</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Haynes, Fred) (Entered: 12/07/2009)

12/08/2009		MINUTE ORDER granting <u>29</u> Unopposed Motion for One–Business Day Extension of Time to File Reply Memorandum in Support of Defendant's Motion for Summary Judgment. Signed by Judge Henry H. Kennedy, Jr. on December 8, 2009. (NP) (Entered: 12/08/2009)
12/08/2009	<u>31</u>	ERRATA by U.S. DEPARTMENT OF JUSTICE <u>30</u> Reply to opposition to Motion filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A – Declaration of James E. Macklin)(Haynes, Fred) (Entered: 12/08/2009)
12/14/2009	<u>32</u>	MOTION for Leave to File <i>Sur–reply</i> by JOHN AARON (Attachments: # <u>1</u> <i>Sur–reply</i> , # <u>2</u> Text of Proposed Order)(Hodes, Scott) (Entered: 12/14/2009)
01/07/2010		MINUTE ORDER granting <u>32</u> Plaintiff's Motion to File <i>Sur–Reply</i> to Defendant's Reply to Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Henry H. Kennedy, Jr. on January 7, 2010. (NP) (Entered: 01/07/2010)
01/07/2010	<u>33</u>	SURREPLY to re <u>24</u> MOTION for Summary Judgment filed by JOHN AARON. (znmw,) (Entered: 01/08/2010)
05/26/2011	<u>34</u>	Unopposed MOTION for Hearing / <i>Status Conference</i> by JOHN AARON (Hodes, Scott) (Entered: 05/26/2011)
07/15/2011	<u>35</u>	MEMORANDUM AND OPINION granting in part and denying in part <u>24</u> defendant's motion for summary judgment. Signed by Judge Henry H. Kennedy, Jr. on July 15, 2011. (lchhk2) (Entered: 07/15/2011)
07/15/2011		MINUTE ORDER denying <u>34</u> Plaintiff's Request for a Status Hearing as moot in light of the Court's ruling on <u>24</u> defendant's motion for summary judgment. Signed by Judge Henry H. Kennedy, Jr. on July 15, 2011. (lchhk2) (Entered: 07/15/2011)
07/18/2011		Motion terminated: <u>24</u> Motion for Summary Judgment. Signed by Judge Henry H. Kennedy, Jr. on July 18, 2011. (NP) (Entered: 07/18/2011)
07/28/2011		ENTERED IN ERROR.....MINUTE ORDER. The parties shall submit a joint case management report, which shall include proposed deadlines for submission of dispositive motions or other appropriate course of action, by no later than August 19, 2011. If the parties are unable to reach agreement with respect to the case management report and proposed deadlines, each party shall submit its own report and proposed deadlines. Signed by Judge Henry H. Kennedy, Jr. on July 28, 2011. (NP) Modified on 7/28/2011 (rdj). (Entered: 07/28/2011)
07/28/2011		NOTICE OF CORRECTED DOCKET ENTRY: re MINUTE Order, was entered in error and will not be refiled. (rdj) (Entered: 07/28/2011)
08/19/2011	<u>36</u>	Consent MOTION for Extension of Time to File <i>the Parties Proposed Briefing Schedule for the Remaining Issues in the Case</i> by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 08/19/2011)
08/19/2011	<u>37</u>	Consent MOTION for Order <i>Entering Briefing Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 08/19/2011)
08/22/2011		MINUTE ORDER granting <u>36</u> Consent Motion for Extension of Time for the Parties to File their Proposed Briefing Schedule; <u>37</u> Consent Motion for Entry of Briefing Schedule. Accordingly, defendant's renewed summary judgment motion and any revised Vaughn Index associated with that motion are due on November 15, 2011; plaintiff's renewed cross–motion for summary judgment and opposition to defendant's motion are due on December 15, 2011; defendant's opposition to plaintiff's cross–motion and reply in support of its motion are due on January 5, 2012; plaintiff's reply in support of its cross–motion is due on January 20, 2012. Signed by Judge Henry H. Kennedy, Jr. on August 22, 2011. (NP) (Entered: 08/22/2011)
11/15/2011	<u>38</u>	Consent MOTION for Briefing Schedule <i>Modification</i> by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 11/15/2011)
11/16/2011		MINUTE ORDER granting <u>38</u> Consent Motion for Modification of the Briefing Schedule. Accordingly, defendant's renewed summary judgment motion and any revised Vaughn Index associated with that motion are due on December 2, 2011; plaintiff's renewed cross–motion for summary judgment and opposition to

		defendant's motion are due on January 9, 2012; defendant's opposition to plaintiff's cross-motion and reply in support of its motion are due on January 24, 2012; plaintiff's reply in support of its cross-motion is due on February 8, 2012. Signed by Judge Henry H. Kennedy, Jr. on November 16, 2011. (NP) (Entered: 11/16/2011)
12/02/2011	<u>39</u>	Consent MOTION for Briefing Schedule <i>Further Modification</i> by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 12/02/2011)
12/08/2011	<u>40</u>	Consent MOTION for Scheduling Order <i>Further Modification</i> by U.S. DEPARTMENT OF JUSTICE (Haynes, Fred) (Entered: 12/08/2011)
12/09/2011	<u>41</u>	Second MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit A – Declaration of Thomas Hitter, # <u>2</u> Exhibit B – Second Declaration of John Kornmeier, # <u>3</u> Exhibit C – Further Declaration of Sandra J. Stewart, # <u>4</u> Exhibit D – Declaration of Tereza Kafka, # <u>5</u> Exhibit E – Declaration of Vanessa R. Brinkman)(Haynes, Fred) (Entered: 12/09/2011)
12/15/2011	<u>42</u>	Case reassigned to Judge Barbara Jacobs Rothstein. Judge Henry H. Kennedy no longer assigned to the case. (ds) (Entered: 12/16/2011)
12/20/2011		MINUTE ORDER granting <u>40</u> Consent Motion for Scheduling Order. Accordingly, plaintiff's renewed cross-motion for summary judgment and opposition to defendant's motion are due on January 18, 2012; defendant's opposition to plaintiff's cross-motion and reply in support of its motion are due on January 31, 2012; plaintiff's reply in support of its cross-motion is due on February 15, 2012. Furthermore, the parties are hereby advised that the Court will not grant further extensions for briefing on these motions. The Court does not consider "other litigation responsibilities" an acceptable justification for failing to comply with the Court's scheduling orders. Signed by Judge Barbara Jacobs Rothstein on December 20, 2011. (lchhk2,) (Entered: 12/20/2011)
12/20/2011		MINUTE ORDER denying as moot <u>39</u> Motion for Briefing Schedule in light of the Court's grant of <u>40</u> Joint Motion for Further Modification of the Briefing Schedule. Signed by Judge Barbara Jacobs Rothstein on December 20, 2011. (lchhk2) (Entered: 12/20/2011)
12/20/2011		Set/Reset Deadlines: Cross Motion and opposition to defendant's motion due by 1/18/2012; defendant's opposition to plaintiff's cross motion and reply due by 1/31/2012; plaintiff's reply in support of cross motion due by 2/15/2012. (tth) (Entered: 12/21/2011)
01/06/2012	<u>43</u>	STANDING ORDER applicable to this case going forward. Signed by Judge Barbara Jacobs Rothstein on January 6, 2012. (lchhk2) (Entered: 01/06/2012)
01/18/2012	<u>44</u>	Cross MOTION for Summary Judgment <i>and Opposition to Motion for Renewed Summary Judgment</i> by JOHN AARON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Hodes, Scott) (Entered: 01/18/2012)
01/18/2012	<u>45</u>	Memorandum in opposition to re <u>41</u> Second MOTION for Summary Judgment, filed by JOHN AARON. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Hodes, Scott) Modified on 1/19/2012 to edit relationship and link (dr). (Entered: 01/18/2012)
01/31/2012	<u>46</u>	REPLY re <u>41</u> Second MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Vanessa R. Brinkman)(Haynes, Fred) (Entered: 01/31/2012)
01/31/2012	<u>47</u>	Memorandum in opposition to re <u>44</u> Cross MOTION for Summary Judgment <i>and Opposition to Motion for Renewed Summary Judgment</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A – Supplemental Declaration of Vanessa R. Brinkmann)(Haynes, Fred) (Entered: 01/31/2012)
02/15/2012	<u>48</u>	REPLY to opposition to motion re <u>44</u> Cross MOTION for Summary Judgment, filed by JOHN AARON. (Hodes, Scott) Modified on 2/16/2012 to edit relationship and text (dr). (Entered: 02/15/2012)

05/18/2012	<u>49</u>	ORDER granting in part and denying as moot in part <u>41</u> the defendant's Motion for Summary Judgment; denying in part and denying as moot in part <u>44</u> the plaintiff's cross-motion for Summary Judgment. Signed by Judge Barbara Jacobs Rothstein on 5/18/12.(lcbjr2) (Entered: 05/18/2012)
05/18/2012	<u>50</u>	CLERK'S JUDGMENT in favor of Defendant, U.S. DEPARTMENT OF JUSTICE against plaintiff, JOHN AARON. Signed by Judge Barbara Jacobs Rothstein on 5/18/2012. (tg,) (Entered: 05/18/2012)